

REMARKS

Claims 1-110 were filed with the present application and were subject to a restriction requirement. The invention of Group I, claims 1-28 and 51-80 was elected, and claims 29-50 and 81-110 were cancelled. Claims 13, 16, 63 and 66 were cancelled in a response dated 9 June 2006; claims 6, 7, 56, and 57 were cancelled, and new claims 111-128 were added in the response dated 8 January 2007. Claims 15, and 111-128 were cancelled in the response dated August 29, 2007; Claims 1-5, 8-12, 14, 17-28 are cancelled herewith. Therefore, claims 51-55, 58-62, 64-65, and 67-80 are currently under consideration.

Drawings

The Office action requires that FIGS. 3 and 4 be designated by a "Prior Art" legend, which is now implemented in replacement sheet 2/6 attached hereto. It is believed that the objection is hereby overcome.

Rejections under 35 USC §103

Claims 1-5, 8-12, 14, 17-28, 51-55, 58-62, 64-65, and 67-80, are rejected under 35 U.S.C. 103(a) as being obvious over US 2003/00227021, to Yamazaki *et al.*, in view of US 6,759,689, to Adomis, *et al.* The rejection is traversed.

With regard to claim 51 and its dependent claims, the Office action states that "the reference discloses a light-absorbing multi-layered film disposed between the first and second electrodes as per instant claims 1 and 51" and that "[r]eference claim 5 discloses that the light-absorbing multi-layered film contains at least one layer comprising one selected from the group of aluminum, copper, silver, platinum, rhodium, gold, and nickel as per instant claims 1-2, 8, 51 and 58." With respect, instant claim 51 recites a "first metal-containing layer" that is "transparent to light." There is no suggestion in the reference that the layer of reference claim 5 is transparent; in fact, in paragraph [0097], the layer is described as "partially absorbing."

The Office action goes on to admit that Yamazaki does not disclose that the metal layer contains a plurality of domains that are discontinuous, and proposes to supply the deficiency with the metal layer disclosed by Adomis, which is patterned with "dotes or islands." Applicants respectfully suggest that no motivation exists for one of ordinary skill in the art to substitute the partially reflecting/partially transmitting metal layer disclosed by Adomis for Yamazaki's "partially absorbing" film, since the function of the film in Yamazaki's device would be lost thereby. Furthermore, such a construction would not meet the limitations of the claims, which require a transparent metal-containing layer. Accordingly, Applicants submit that claim 51 and its dependent claims are not obvious in view of the combination of the references.

In view of the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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